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FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1238
INFO RUCNFUR/DARFUR COLLECTIVE PRIORITY
RUCNIAD/IGAD COLLECTIVE PRIORITY
RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY
RHMFIS/CJTF HOA PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 000996

SIPDIS

DEPARTMENT FOR AF A/S FRAZER, AF/SPG, SE WILLIAMSON, NSC
FOR BPITTMAN AND CHUDSON, ADDIS ABABA PLEASE PASS TO USAU

E.O. 12958: DECL: 07/05/2018

TAGS: PGOV PREL UN AU SU

SUBJECT: SUDAN NEEDS AMERICAN HELP - ON MINNAWI AND ICC -
PLEAD PRESIDENTIAL ADVISOR, MINISTER

REF: A. KHARTOUM 993

1B. KHARTOUM 933

1C. KHARTOUM 932

Classified By: CDA Alberto M. Fernandez, reasons 1.4 (b) and (d).

11. (C) Summary: Sudan wants US help in bringing former rebel leader and current Presidential Assistant Minni Minnawi back from Darfur where he is encamped with his fighters and proposes a trilateral (NCP, Minnawi, US) discussion on implementing the moribund 2006 Darfur Peace Agreement (DPA). Sudan also asks for urgent American intervention with the EU and UN to avert further ICC indictments that could "derail progress on the issues of interest to you," such as CPA implementation, UNAMID deployment and national elections. The Sudanese also previewed expected progress on the Abyei Road Map which they expect should trigger renewed American interest in diplomatic engagement with Sudan. End summary.

WON'T YOU COME HOME, MINNAWI?

12. (C) In separate phone calls on July 4 and 5, and separate meetings on July 6, two regime moderates, Presidential Advisor Dr. Mustafa Othman Ismail and Minister of State for Foreign Affairs Al-Samani al-Wasila, asked for US support in convincing former rebel leader and current Presidential Assistant Minni Minnawi to return from Khartoum from his almost two month sojourn in the field with his fighters in Darfur, a sojourn that included claims of a furtive visit to Chad and Minnawi plotting to return to armed struggle (reftel c). Dr. Ismail pleaded "tell your friend Minni that your message has been received, let's start afresh." The Presidential Advisor said that opinions were divided in the NCP leadership about what to do with Minnawi. "Some want to sack him, some think he will be a problem no matter what he or we do" but the majority agree that "both sides have made mistakes" and that, if Minnawi returns, the regime "will re-engage on Abuja" if that has not been enough or if more is needed to seriously implement the DPA. CDA Fernandez countered that Minnawi had grown increasingly frustrated with the inability to even raise issues with Darfur lead negotiator Nafie Ali Nafie and being kept "in a golden cage in Khartoum" while at the same time left out of substantive issues on Darfur. Ismail said that Sudan was willing to set up "trilateral negotiations" by the GOS with the US and Minnawi to solve all outstanding problems and added that he would try "as much as possible, to ease Nafie out of the picture" to do this.

13. (C) Ismail had been much harsher earlier on Minni in his July 4 phone call to the Charge noting that Minnawi hasn't availed himself of the authority and power he actually has

whether in Darfur or nationally. During that call, Ismail had asked "are you going to allow him to return to war? Is that your real policy in Sudan?" He had also complained that Minnawi had been plotting to seize one of the three Darfur state capitals (El Geneina, Nyala or El Fasher) in conjunction with other rebel groups, "he has been receiving bad advice from Chad and JEM, you should talk to him!" CDA had noted that his visit to Darfur last week to possibly see Minnawi had been blocked by Sudanese Military Intelligence. Ismail offered to "unblock it if you are going to talk sense to him." (Note: Minnawi advisor and SLM/MM parliamentarian Ali Traio told polchief July 5 that Minnawi has no intention of returning to war, as far as he knows. Traio claimed that Minnawi simply needs to prevent further defections from his ranks by spending time in the field with his commanders. Traio asked for U.S. assistance in implementing the DPA, "which is our first choice" in looking at their options. End note).

LIKE A CORNERED CAT

¶4. (C) Turning to possible new ICC indictments of senior Sudanese officials, both Ismail and Minister Al-Wasila seemed to be reading from the same script. Sudan needs American help to avert potentially explosive indictments which "would derail or delay everything you care about in Sudan". Ismail added that "the Europeans seem to be running after the ICC as if that is the only issue for them." He added that it "was impossible for Sudan to hand people over to the court," but Sudan was willing to listen to the Africans and the Americans

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on a way out. He added that even if Sudan were to hand over militia leader Ali Khoshayb to the ICC, the result would have been "attacks by Arab tribes on UNAMID and on the Sudanese Government." He noted how the sitting Governor of South Darfur was under threat by Arab tribes because of a similar vendetta. Indictments at this time would slow down CPA implementation, "discourage big plans we have to improve the situation in Darfur," encourage Darfur rebel intransigence and violence, and derail progress on elections planning. "It would involve us in a useless confrontation with the EU and UN," both noted. Al-Wasila added that "we need to look at the big picture" -- such a step will "postpone the whole Darfur process" and "priorities will change and positive momentum will be lost."

¶5. (C) Charge noted that the U.S. has traditionally kept the Court at an arms length for our own reasons and pointed out that ICC issues have not been a subject of American discussion with Sudan, neither by S or D, by SE Natsios or Williamson, or by the Embassy. "As you know, the issues that we constantly engage you on are peace in Darfur, UNAMID deployment, humanitarian access for NGOs, IDPs, human rights, and full CPA implementation on issues such as Abyei." CDA cautioned both Ismail and Al-Wasila that Sudan should fulfill its responsibility under international law to respect and protect embassies and diplomatic personnel, "whether American or any other nationality". He reminded them of cases in places like Syria, Serbia and Pakistan where government-supported mobs got out of hand. Fernandez told Ismail that he would "pass the message to Washington on the ICC" but acerbically noted that "you are rather late to be raising this with us and your case would have been immeasurably helped if you had come clean with the international community sooner" on issues such as peacekeepers or humanitarian assistance or a better deal for IDPs. Ismail ruefully acknowledged ("timing is everything whether for Darfur or the ICC, the time is right for Darfur but not for the ICC") that this was true but countered that the regime "will react like a cornered cat" oblivious to its own best interests and to the efforts of friendly nations that want to help the people of Sudan.

¶6. (C) Both Ismail and Al-Wasila said that they expected tangible progress on Abyei this week and expected that a mutually acceptable Interim Administration will be announced within days. Ismail said that the infamous SAF 31st Brigade has begun withdrawing from Abyei (this has now been partially confirmed by UNMIS, see septel). These steps will prove that Sudan is actually implementing the June 8 Abyei Road Map, he added, "then we will see if the US is sincere about dialogue or if everything that happened between Deng Alor's visit to Washington in February 2008 and the end of Williamson's visit in June 2008 was just for show." They noted that some in the regime have now concluded that the US was insincere about improving relations, "but I still hold out hope."

¶7. (C) Comment: The Sudanese regime never met a negotiation it didn't like, seeing it as their preferred way to avoid punitive action, maneuver for advantage, and delay or dilute past agreements. The message to Minnawi is certainly worth passing on, for what its worth, since greater violence or fragmentation in Darfur is not in our interests and Minnawi loses only time by talking some more with a government he is still technically a part of (especially if Ismail can indeed undercut Nafie, but this seems unlikely). The late focus on the ICC, asking for "American help," is telling given much harsher messages being delivered to European diplomats in the past few days. Certainly, the Sudanese officials are entirely correct that ICC indictments of senior Sudanese officials will change priorities, increase tensions, hearten their enemies, distract attention from pressing matters and that the innocent people of Sudan, and especially Darfur, will pay a price. But they have had well over a year (since February 2007 when Haroun and Khosheyb were indicted by the ICC) to contemplate this eventuality and have not used it very productively in building trust with the international community. What real progress has occurred - on UNAMID deployment or CPA or even on bilateral issues - has been painful and slow. End comment.

FERNANDEZ